

REMARKS

At the outset, the Applicants appreciate the thorough review and consideration of the subject application. The Non-Final Office Action of February 12, 2004, has been received and its contents carefully noted. Claims 1-18 are currently pending. By this amendment, claims 1 and 8 are amended to better conform with U.S. practice and these amendments are believed to be non-narrowing. Support for these amendments are provided in at least Figures 1-4 and related text of the specification. No new matter has been added. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Allowable Subject Matter

Applicants appreciate the indication that claims 1-13 are allowed. The Examiner also indicated that claims 16-18 contain allowable subject matter. More specifically, claims 16-18 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Rejections Under 35 U.S.C. § 102

Claims 14-15 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,111,559 issued to Motomura, *et al.* ("Motomura"). Applicants respectfully traverse this rejection for at least the following reasons.

In accordance with MPEP § 2181, a claim limitation will be interpreted to invoke 35 U.S.C. § 112, sixth paragraph, if the claim limitation uses the phrase "means for" or "step for",

if that phrase is modified by functional language, and if that phrase is not modified by structure, material, or acts for achieving the specified function. If the claim limitation invokes 35 U.S.C. § 112, sixth paragraph, it must be interpreted to cover the corresponding structure, materials, or acts in the specification and "equivalents thereof." *See* 35 U.S.C. § 112, sixth paragraph. *See also B. Braun Medical, Inc. v. Abbott Lab.*, 124 F.3d 1419, 1424, 43 USPQ2d 1896, 1899 (Fed. Cir. 1997).

Clearly, limitations in claim 14 invoke 112, sixth paragraph, as the claim includes a "means for" language without structural limitations. As such, the prior art element must perform the identical function and have either the same or identical structure for performing the requisite function as in order to establish *prima facie* case of anticipation. *See* MPEP § 2182. Claim 14 recites a combination of elements including, for example, "means for reducing flicker in the liquid crystal display." Motomura does not teach at least the required function of reducing flicker.

Instead, Motomura is directed to a luminance setting unit for variably setting the luminance of the backlight in order to stabilize the screen of the PALC 10 and suppress the power consumption of the backlight. *See* col. 5, ll. 31-42. In fact, Motomura makes no reference to reducing flicker of an LCD. Rather, Motomura is concerned with "the video signal transitionally changes such as ... at the time of selection of a station, when the power source voltage is turned ON/OFF, etc., by outputting the image while fixing the video signal level to a black level, etc." to improve LCD quality. *See* col. 1, ll. 45-48. Accordingly, the Examiner has not established a *prima facie* case of anticipation because Motomura does not perform the same function for the recited element in claim 14. Even assuming *arguendo* that the function is same,

which is not the case, the structure recited in Motomura is different or not equivalent to the structure that performs the function of claim 14.

Accordingly, Applicants respectfully submit that claims 14 and 15-18, which depend from claim 14, are allowable and request withdrawal of the rejection under 35 U.S.C. § 102(e).

CONCLUSION

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated objections and grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicants' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,



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